

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

TREVOR JOHNSON, } No. SACV 09-1152 CBM (VBK)  
Petitioner, }  
v. } ORDER ACCEPTING FINDINGS AND  
DOMINGO URIBE, } RECOMMENDATIONS OF UNITED  
Respondent. } STATES MAGISTRATE JUDGE

---

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of Habeas Corpus (“Petition”), the records and files herein, the First Amended Report and Recommendation of the United States Magistrate Judge, and the Petitioner’s Complete Statement of Objections with Declaration and Points and Authorities attached to Petitioner’s Motion filed on February 27, 2012.

After a *de novo* review of Petitioner’s Complete Statement of Objections with Declaration and Points and Authorities, the Court overrules the objections because the topics addressed are covered in the First Amended Report and Recommendation, which the Court adopts. The objections do not change the First Amended Report and Recommendation’s findings. *See* 28 U.S.C. § 636(b)(1)(C)

1 (“A judge of the court shall make a *de novo* determination of those portions of the  
2 [magistrate judge’s] report or specified proposed findings or recommendations to  
3 which objection is made.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121  
4 (9th Cir. 2003) (“The statute makes it clear that the district judge must review the  
5 magistrate judge’s findings and recommendations *de novo* if objection is made,  
6 but not otherwise.”).

7 **IT IS ORDERED** that: (1) the Court accepts the findings and  
8 recommendations of the Magistrate Judge; (2) the Court declines to issue a  
9 Certificate of Appealability (“COA”)<sup>1</sup>; (3) the Second Amended Petition is  
10 denied; (4) Petitioner’s First Amended Motion for Summary Judgment and any  
11 and all other pending motions or requests are denied; and (5) this case is dismissed  
12 with prejudice.

13

14

DATED: April 17, 2012



---

15 Consuelo B. Marshall  
16 Senior United States District Judge

17

18

19

20

21

22

23

---

24 Under 28 U.S.C. § 2253(c)(2), a COA may issue “only if the applicant has made a substantial  
25 showing of the denial of a constitutional right.” The Supreme Court has held that, to obtain a  
26 Certificate of Appealability under § 2253(c), a habeas petitioner must show that “reasonable  
jurists could debate whether (or, for that matter, agree that) the petition should have been  
27 resolved in a different manner or that the issues presented were ‘adequate to deserve  
encouragement to proceed further.’” *Slack v. McDaniel*, 529 U.S. 473, 483-484, 120 S.Ct. 1595  
(2000) (internal quotation marks omitted); see also *Miller-El v. Cockrell*, 537 U.S. 322, 336,  
123 S. Ct. 1029 (2003). After review of Petitioner’s contentions herein, this Court concludes  
28 that Petitioner has not made a substantial showing of the denial of a constitutional right, as is  
required to support the issuance of a COA.